

### REMARKS

The above amendments and following remarks are submitted within the 60 day priority period under 37 C.F.R. 1.116 in response to the pending Final Official Action of the Examiner mailed December 9, 2009. Having addressed all objections and grounds of rejection, claims 2-5, 8-10, and 17, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The finality of the pending official action is clearly premature. As clearly erroneously explained by the Examiner at paragraph 2:

Applicant's arguments filed September 11, 2008 under **35 USC § 103** have been full considered but they are not persuasive. However, upon an in-depth reviewed (sic) and further consideration of the claimed language and the specification, a new ground(s) of rejection is made further in view of Scheifler (US 6,282,652 B1).

The statement is clearly erroneous. The Examiner must have found Applicants' arguments with regard to unamended claims 1-10 and 21 to be persuasive, because she has now rejected these unamended claims under a new ground of rejection supported by newly cited and applied prior art. Thus, the finality of the rejection of at least unamended claims 1-10 and 21 is clearly premature.

Nevertheless, the Examiner has found claim 7 to contain allowable subject matter, but has objected to claim 7 as a dependent claims which depends from a rejected claim (i.e., claim 6). In response thereto, allowed claim 7 has been amended to

render it an independent claim containing all of the limitations of claim 6 from which it had previously depended. Therefore, it is assumed that claim 7 is now allowed.

Claims 8-10 depend from allowed claim 7, without amendment. Therefore, claims 8-10 are allowed as a matter of law. Similarly, claims 2-5 and 17 have been amended to depend from claim 7, thus rendering claims 2-5 and 17 allowable.

Though Applicants' disagree with the new grounds of rejection of pending claims 1, 6, 11-16, and 18-21, the final rejection thereof cannot be adequately addressed in an amendment after final. Therefore, claims 1, 6, 11-16, and 18-21 have been canceled without prejudice, so that Applicants' can further pursue these claims in a continuing application.

Having thus responded to each objection and ground of rejection, Applicant respectfully requests entry of this amendment and allowance of claims 2-5, 8-10, and 17, being the only pending claims.

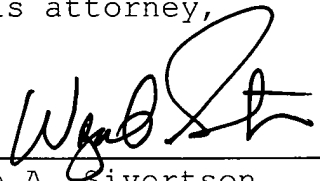
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Respectfully submitted,

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By his attorney,

Date February 9 2009



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